

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

CAF & CS Dept – Sri N. Appa Rao, Maistry (Retired) – Implementation of AP Administrative Tribunal order dated 3.4.2003 in OA No. 455/2000– Orders – Issued.

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CONSUMER AFFAIRS, FOOD & CIVIL SUPPLIES (CS.III) DEPARTMENT

G.O.Ms.No. 5

Dated 27-03-2014  
Read the following:

1. Controller, Legal Metrology's proceedings dt. 27.6.85
2. CLM's proceedings No. 4304/V1/1985, dt. 30.1.1988
3. Order of APAT in OA No. 455/2000 dt. 27.2.2003 & 3.4.2003
4. CLM's Lr No.8145/V1/2004, dt29.7.2005.
5. AP High Court Order dated 25.2.2010 in WP No.3727/2006
6. From the CLM Lr.No. 8145/V1/2004. dt.29.12.2010

O R D E R:

Sri N. Appa Rao, Maistry(retired) while working in Weights & Measures Department was suspended from service by the Controller, Legal Metrology on 27.6.1985 on the ground of misconduct with the then Inspector of weights and measures in the state of intoxication. After completion of enquiry by Enquiry Officer, the charges leveled against Sri N. Appa Rao were proved. Based on the enquiry report Sri N. Appa Rao was dismissed from service on 30.1.1988 by the Controller, Legal Metrology, Hyderabad.

2. Aggrieved by the dismissal orders, Sri N. Appa Rao challenged the dismissal order before the AP Administrative Tribunal and the APAT while setting aside the proceedings of the Controller, Legal Metrology dt. 16.3.1990, remanded the matter to Government with a direction to examine the contention of Sri N. Appa Rao that the enquiry was not conducted as per AP Civil Service (CCA) Rules, 1963 and that the punishment awarded is wholly disproportionate to the lapses on Sri N. Appa Rao. As per the orders of APAT, Sri N. Appa Rao preferred a representation to Government with a request to drop all further proceedings.

3. In pursuance of the directions of the APAT, Government considered the matter and ordered for reinstatement of Sri N. Appa Rao into service treating the non-duty period as 'dies non' vide G.O. Ms.No. 60, dated 15.6.1998. Aggrieved by the said orders Sri N. Appa Rao filed OA No. 455/2000 before APAT and the APAT in its order dated 27.2.2003 and 3.4.2003 directed the Government to treat the suspension period from 27.6.1985 to 22.2.1988 and dismissal period from 23.2.1988 to 26.6.1988 as 'Duty' for all purposes under F.R. 54(1)(b) except back wages. Against the said orders of APAT, Government filed WP No. 3737/2006 before the High Court. The Hon' ble High Court dismissed the said WP in its order dated 25.2.2010 and while dismissing the WP observed that prior to the amendment Act 6/93 the provision under the Tribunal for Disciplinary Proceedings are mandatory and as per Rule 4 of said rules the Disciplinary Proceedings shall be only through the Tribunal for Disciplinary proceedings but not departmental proceedings. The High Court did not find any illegality or infirmity in the order impugned warranting interference by the High Court.

4. The Controller Legal Metrology has reported that the AP High Court has dismissed the WP No. 3727 filed by Government and upheld the APAT order in OA No. 455/2000 and requested to issue orders regularizing the period of suspension period as per APAT orders.

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5. Government have examined the matter and after careful consideration decided to implement the orders of APAT and accordingly hereby order that the suspension period of Sri N. Appa Rao, retired Maistry w.e.f 27.6.1985 to 22.2.1988 be regularized as Duty for all purposes under FR 54(B).

6. This order issues with concurrence of Finance Department vide their U.O.No.6984/193/FR.II/2014, dt. 18.3.2014.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SUNIL SHARMA  
EX-OFFICIO SECRETARY TO GOVERNMENT

To  
The Controller, LM, Hyderabad.  
The individual through CLM, Hyderabad.  
The Finance (FR.II) Department.  
SF/SC

//FORWARDED BY ORDER//

SECTION OFFICER